

SUBSTITUTE NO. 1 TO ORDINANCE NO. 13-003

**AN ORDINANCE TO AMEND CHAPTER 39 OF THE CITY CODE
PERTAINING TO THE PENSION COMMISSION**

WHEREAS, holding an annual pension commission meeting does not provide an adequate amount of time to reasonably assess the fiscal impact of proposed pension recommendations that are greater than zero dollars (\$0); and

WHEREAS, the Pension Commission recommendation should be based on a formal analysis of any proposed cost of living increases in conjunction with the City's overall fiscal condition; and

WHEREAS, the Pension Commission shall be given ample time to complete their due diligence before rendering a decision; and

WHEREAS, the amendment to this ordinance will ensure that if there is any pension recommendation greater than zero dollars (\$0), the Pension Commission will hold another meeting between twenty (20) to thirty (30) business days thereafter to review the financial impact of the proposed pension recommendation.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY
ORDAINS:**

SECTION 1. Chapter 39 Section 6 of the City Code pertaining to the Pension Commission is hereby amended by deleting the stricken bracketed language and adding the underlined language to read as follows:

Sec. 39-6. - Pension commission

(C) *Pension commission duties and responsibilities.* The pension commission, beginning in January of each year, shall review the city's overall financial condition and formulate recommendations regarding cost of living increases, if any, for all city retirees during the calendar year. The pension commission's recommendation, by not less than a majority of its members, shall be forwarded to

Rev.#1
#3784

Sponsor:

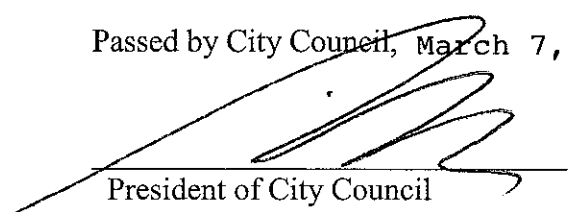
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city council and to the mayor not later than April 15 of the calendar year in which the recommendation is made. In any instance in which the recommendation is more than the amount of zero (0) dollars, the Pension Commission shall hold another meeting between twenty (20) and thirty (30) business days later to affirm, rescind or lessen the amount of the recommendation after review of the financial impact. This shall be the only agenda item, and the only action taken, shall be as set forth herein. The administration [city council] shall prepare, or cause to be prepared, an ordinance to implement the pension commission's recommendation. Such ordinance shall be presented to the full city council and shall be voted upon not later than June 30 of that same calendar year.

SECTION 2. This substitute ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....February 21, 2013
Second Reading..... February 21, 2013
Third Reading..... March 7, 2013

Passed by City Council, March 7, 2013


President of City Council

ATTEST:


City Clerk

Approved as to form this 28th
day of February, 2013


Assistant City Solicitor

Approved this 8 day of March, 2013

Dennis P. Williams
Mayor

SYNOPSIS: This substitute ordinance amends Chapter 39 of the Wilmington City Code by adding the requirement that the Pension Commission hold an additional meeting before submission to city council if the financial recommendation is an amount above zero (0) dollars. This substitute ordinance also amends Chapter 39 by requiring that the ordinance accompanying the recommendation originate from the administration instead of from the Council.